

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

IN RE THE MATTER OF THE
COMPLAINT OF PHILIP POWELL
AND JOHN HAGMAN, AS OWNERS
OF THE 2018 15' ALUMITECH
AIRBOAT, HIN A0N02673C818,
ITS ENGINES, TACKLE,
APPURTENANCES, EQUIPMENT,
ETC.,
For EXONERATION FROM OR
LIMITATION OF LIABILITY,

Petitioners.

Case No. 8:23-cv-00163-KKM-TGW

ORDER

On November 15, 2023, the Magistrate Judge entered a Report and Recommendation, recommending that Petitioners' Motion for Default Judgment be granted. *See* (Docs. 18, 19). The deadline to object to the Magistrate Judge's Report and Recommendation has passed without any objection being lodged. 28 U.S.C. § 636(b)(1)(C). Considering the record, the Court adopts the Report and Recommendation for the reasons stated therein and grants Petitioners' motion.

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject, or modify a magistrate judge's Report

and Recommendation. 28 U.S.C. § 636(b)(1). If a party files a timely and specific objection to a finding of fact by a magistrate judge, the district court must conduct a de novo review with respect to that factual issue. *Stokes v. Singletary*, 952 F.2d 1567, 1576 (11th Cir. 1992). The district court reviews legal conclusions de novo, even in the absence of an objection. *See Cooper-Houston v. S. Ry. Co.*, 37 F.3d 603, 604 (11th Cir. 1994); *Ashworth v. Glades Cnty. Bd. of Cnty. Comm'rs*, 379 F. Supp. 3d 1244, 1246 (M.D. Fla. 2019).

In the absence of any objection and after reviewing the factual allegations and legal conclusions, the Court adopts the Report and Recommendation. On February 27, 2023, the Magistrate Judge granted Petitioners' Motion to Approve *Ad Interim* Stipulation and Enter Monition and Injunction under the supplemental admiralty rules. (Docs. 2, 9–11). Petitioners then mailed copies of the complaint and the above to all potential claimants, specifically Hunter Ivey, Brooke Sievers, Alexis Hagman, and Russ Barnes. (Doc. 18) at 2. The deadline to file a claim has expired. *Id.* at 2–4; FED. R. CIV. P. SUPP. F(4)–(5).

Accordingly, it is **ORDERED**:

1. The Magistrate Judge's Report and Recommendation (Doc. 19) is **ADOPTED** and made a part of this Order for all purposes.
2. Petitioners' Motion for Default Judgment (Doc. 18) is **GRANTED**.

3. The Clerk is **DIRECTED** to enter Default Judgment against all potential claimants that have not filed a claim against Petitioners.
4. Petitioners are exonerated from any responsibility, loss, damage or injury, and from any and all claims arising out of the July 15, 2022, incident against all potential claimants who failed to otherwise state a claim.

ORDERED in Tampa, Florida, on December 11, 2023.


Kathryn Kimball Mizelle
United States District Judge